

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JAMES ERIC LOFTEN,	§	
<i>Petitioner,</i>	§	
	§	
vs.	§	CIVIL ACTION H-05-2264
	§	
DOUG DRETKE,	§	
Director of the Texas Department of	§	
Criminal Justice - Correctional Institutions	§	
Division,	§	
<i>Respondent.</i>	§	

MEMORANDUM AND RECOMMENDATION

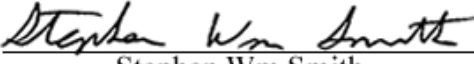
James Eric Loften¹ is an inmate in the custody of the Texas Department of Criminal Justice, who is challenging the validity of a prison disciplinary proceeding that took place in January 2004 and placed him in segregated housing. Loften is an abusive serial filer who has filed at least forty cases in federal court. *See Loften v. Dretke*, H-04-cv-4166, Dkt. 13 (S.D. Tex. 2004) (listing some of Loften's cases in the last few years). He has been repeatedly warned and sanctioned about his abusive litigation. *See id.* This same complaint about the disciplinary proceeding has been considered at least three times in the Southern District of Texas and dismissed each time.² Accordingly, the court recommends that Loften's case be dismissed as frivolous or malicious under the Prison Litigation Reform Act. *See* 28 U.S.C. § 1915(e)(2)(B).

¹ Loften is also known as Lofton in other cases. For sake of clarity, Loften's Texas Department of Criminal Justice prisoner identification number is 616132.

² *See Loften v. Dretke*, H-04-cv-4166 (S.D. Tex. 2004); *Loften v. Dretke*, H-04-cv-3544 (S.D. Tex. 2004); *Loften v. Dretke*, H-04-cv-0147 (S.D. Tex. 2004).

The parties have ten days to file written objections. Failure to file timely objections will preclude appellate review of factual findings or legal conclusions, except for plain error. *See* FED. R. Civ. P. 72.

Signed on July 14, 2005, at Houston, Texas.


Stephen Wm Smith
United States Magistrate Judge